

**REMARKS**

Favorable consideration of this application is respectfully requested.

Claims 1 – 8, 6 – 8, 11, 13 – 17, 23 – 27, are currently **active** in this case. Claims 8 and 13 have been amended. Each amended claim is supported by the specification and claims as originally submitted and no new matter has been added.

In the outstanding Final Official Action, Claims 13 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kawashima*, US Patent No. 5,444,736, hereinafter referred to as *Kawashima*, in view of Federal Standard 1037C, Telecommunications: Glossary of Telecommunication Terms, herein after referred to as 1037C and Claims 1 – 8, 11 and 23 – 27 were allowed.

Applicants appreciatively acknowledge the allowance of Claims 1-8, 11 and 23 – 27.

Applicants respectfully submit amended Claim 13. Claim 13 recites:

***13. (Currently Amended) A device for locking onto a downstream frequency, comprising:***  
***a radio configured to,***  
***receive a plurality of signals, at least one of said plurality of signals being transmitted on said downstream channel,***  
***lock onto said downstream channel by changing a receiving frequency of the radio by signals from the wireless modem according to a predetermined frequency plan until the radio is locked onto said downstream channel,***  
***detect a center frequency of said downstream channel,***

*determine an offset of said downstream frequency compared to a nominal frequency, and*

*adjust a receiving frequency of the radio so the offset is eliminated:*

*wherein if the radio is not locked onto the downstream signal, changing a receiving frequency of the radio by signals from the wireless modem according to a predetermined frequency plan until the radio is locked onto the one downstream signal and then determining the center frequency of the detected frequency range.*

However, the cited references fail to teach similar subject matter.

Applicants respectfully note that the cited references fail to teach or suggest "*if the radio is not locked onto the downstream signal, changing a receiving frequency of the radio by signals from the wireless modem according to a predetermined frequency plan until the radio is locked onto the one downstream signal and then determining the center frequency of the detected frequency range.*" Moreover, similar reasons were provided for allowance in a previous office action. Accordingly, Applicants respectfully submit that Claim 13 is also allowable over the cited art of record.

Based on the patentability of Claim 13, Applicants further respectfully submit that dependent Claims 14-17 are also patentable over the cited art of record. And, combined with the allowance of Claims 1-8, 11, and 23-27, Applicants further respectfully submit that all claims are now in condition for allowance.

Consequently, no further issues are believed to be outstanding, and it is respectfully submitted that this case is in condition for allowance. An early and favorable action is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this communication and which may be required under 37 CFR §1.16 or § 1.17 to **Account No. 50-2603**, referencing **Attorney Docket No. 353600.00501**.

Respectfully submitted,

REED SMITH LLP

Dated: 11/23/2005

By:

Name: John W. Carpenter  
Registration No. 39,129

Two Embarcadero Center  
Suite 2000  
PO Box 7936  
San Francisco, CA 94120-7936  
**Direct Dial (415) 659-5927**  
(415) 543-8700 Telephone  
(415) 391-8269 Facsimile